

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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DALE HICKMAN and  
ANGIE HICKMAN,

Plaintiffs,

v.

AIRTEL WIRELESS, LLC,

Defendant.

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) Civil No. 05-148 (DWF/JJG)  
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**REPORT AND  
RECOMMENDATION**

JEANNE J. GRAHAM, United States Magistrate Judge

The complaint in this matter (“Hickman matter”) was filed on January 7, 2005.

This case is related to Airtel Wireless, LLC v Montana Electronics Company, Inc, Dale Hickman, and Angie Hickman, Civil No. 04-3128 (DWF/JJG) (“Airtel matter”).

The complaint in the Airtel matter was filed on July 2, 2004. On August 23, 2004, plaintiff filed a Motion to Compel Arbitration, Stay Action and Enjoin Parallel Proceedings (Airtel matter – Doc. No. 5). Before that motion could be heard, defendants filed a Motion to Dismiss for Lack of Personal Jurisdiction (Airtel matter – Doc. No. 14) on October 25, 2004. Both motions were heard on December 10, 2004 and a Memorandum, Opinion and Order (Airtel matter – Doc. No. 43) was issued on January 7, 2005, denying the motion to dismiss and staying the Airtel matter in its entirety pending resolution of an arbitration proceeding.

Based on the January 7, 2005 order (Airtel matter – Doc. #43) of Judge Donovan W. Frank, granting Plaintiff’s Motion to Compel Arbitration, Stay Action and Enjoin

Parallel Proceedings (Airtel matter – Doc. #5), the parties in the Hickman matter agreed to stay this case (Hickman matter – Doc. #26, 01/25/06).

On February 15, 2008, former counsel for Airtel Wireless, LLC in both matters informed the Court that an arbitration award was issued on January 19, 2007 and that both the Airtel and Hickman matters have been concluded. [Airtel matter (Doc. #47) and Hickman matter (Doc. #28)].

### **RECOMMENDATIONS**

Being duly advised of all the files, records, and proceedings herein, **IT IS**  
**HEREBY RECOMMENDED THAT:**

1. The stay be **LIFTED**; and
2. All of the claims in this matter be **DISMISSED**.

Date: March 27, 2008

s/ Jeanne J. Graham  
JEANNE J. GRAHAM  
United States Magistrate Judge

### **NOTICE**

Pursuant to D. Minn. LR 72.2(b), any party may object to this Report and Recommendation by filing and serving specific, written objections by **April 10, 2008**. A party may respond to the objections within ten days after service thereof. Any objections or responses filed under this rule shall not exceed 3,500 words. A District Judge shall make a de novo determination of those portions to which objection is made. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the United States Court of Appeals for the Eighth Circuit.